

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

JAVIER VASQUEZ,  
*Plaintiff,*

VS.

LIBERTY MUTUAL FIRE  
INSURANCE COMPANY  
*Defendant.*

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CIVIL ACTION NO. 7:18-cv-044

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COMES Liberty Mutual Fire Insurance Company, Defendant herein, and, pursuant to 28 U.S.C. § 1446(a), files its Notice of Removal of the present cause from the 389<sup>th</sup> Judicial District Court of Hidalgo County, Texas, in which it is now pending, to the United States District Court for the Southern District of Texas, McAllen Division, and in support thereof would respectfully show the following:

1. This lawsuit was filed on March 1, 2017, in the 389<sup>th</sup> Judicial District Court of Hidalgo County, Texas; bearing the style *Javier Vasquez v. Liberty Mutual Insurance Company, DBA Liberty Mutual, and Daniel Salinas* and the cause number C-0967-17-H; Liberty Mutual Fire Insurance Company was incorrectly identified as “Liberty Mutual Insurance Company.”

2. Defendant was served with Plaintiff’s Original Petition on March 9, 2017. Defendant filed its Original Answer on March 31, 2017 and its Second Amended Answer, the current live pleading, on February 12, 2018. A true and correct copy of all pleadings in that cause are attached.

3. The Plaintiff seeks uninsured motorist benefits under a policy endorsed by Defendant for injuries allegedly suffered in a motor vehicle accident on March 13, 2015. Plaintiff alleges the

motor vehicle accident was caused by an uninsured driver and is seeking monetary relief against Defendant in excess of \$1,000,000.

4. Plaintiff was at the time of filing and is now a citizen of the State of Texas. Defendant was at the time of filing and is now a corporation duly incorporated in the State of Wisconsin, with its principal place of business in Boston, Massachusetts.

5. The parties are citizens of different states and, as described above, the amount in controversy in this case exceeds \$75,000. Accordingly, the Court has original jurisdiction over the Plaintiff's claims based on diversity of citizenship pursuant to 28 U.S.C. § 1332.

6. This Notice of Removal was timely filed within thirty (30) days, and within one year after commencement of the action, of Plaintiff's Motion for Nonsuit as to Defendant Daniel Salinas and Order Granting Plaintiff's Motion for Nonsuit as to Defendant Daniel Salinas. The Motion was made orally, entered of record, and granted at the court's hearing held on February 12, 2018, giving rise to federal jurisdiction based on diversity of citizenship and allowing removal pursuant to 28 U.S.C. § 1446(b)(3).

7. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this removal shall be promptly provided to Plaintiff, through his counsel, following the filing of same. Further, a copy of this Notice of Removal shall be promptly filed with the clerk of the state court from which this cause was removed.

8. In accordance with the Local Rules for the United States District Court for the Southern District of Texas governing removal of civil actions, the following is the Index of Exhibits for this Notice of Removal:

- A. State Court Docket Sheet
- B. Pleadings

- C. All orders signed by the state judge
- D. List of Parties and Counsel of Record
- E. Civil Cover Sheet

Respectfully submitted

/s/ Ysmael D. Fonseca w/p  
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing instrument has been served upon counsel of record on February 20, 2018, as follows:

*Via Electronic Service*

Alonzo Garcia  
Alonzo Garcia Attorneys, P.C.  
2520 Gull Street  
McAllen, Texas 78504

/s/ Ysmael D. Fonseca  
Ysmael D. Fonseca